



PATENT
Attorney Docket No. 204000
Client Reference No. 147678.2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED

In re Application of:

DEC 08 2003

Raghavan et al.

Technology Center 2100

Group Art Unit: 2185

Application No. 09/713,108

Examiner: Thomas M. Heckler

Filed: November 15, 2000

For: METHOD AND SYSTEM FOR
RECOVERY INFRASTRUCTURE
FOR COMPUTER SYSTEMS

CERTIFICATE OF EXPRESS MAILING

I hereby certify that this INFORMATION DISCLOSURE STATEMENT (along with any documents referred to as being attached or enclosed) is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" Service under 37 CFR 1.10 on the date indicated below and is addressed to Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. **Express Mail Label No. EV 329735412 US**

Date: 12/3/03 Dusan Matz

INFORMATION DISCLOSURE STATEMENT

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Pursuant to 37 CFR 1.97 and 1.98, the references listed on the enclosed Form PTO-1449 and/or Substitute Form PTO-1449 ("Form 1449") are submitted for consideration by the Examiner in the examination of the above-identified patent application.

The full consideration of the references in their entirety by the Examiner is respectfully requested and encouraged. Also, it is respectfully requested that the references be entered into the record of the present application and that the Examiner place his or her initials in the appropriate area on the enclosed Form 1449, thereby indicating the Examiner's consideration of each of the references.

The submission of the references listed on the Form 1449 is for the purpose of providing a complete record and is not a concession that the references listed thereon are prior art to the invention claimed in the patent application. The right is expressly reserved to establish an invention date earlier than the above-identified filing date in order to remove any reference submitted herewith as prior art should it be deemed appropriate to do so.

Further, the submission of the references is not to be taken as a concession that any reference represents art that is relevant or analogous to the claimed invention. Accordingly, the right to argue that any reference is not properly within the scope of prior art relevant to an examination of the claims in the above-identified application is also expressly reserved.

The Information Disclosure Statement is being filed:

- ☒ **within** any one of the following time periods: (a) within three months of the filing date of a national application other than a continued prosecution application under 37 CFR 1.53(d); (b) within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 of an international application; (c) before the mailing date of a first Office Action on the merits; or (d) before the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.
- ☐ **after** (a), (b), (c) or (d) above, but before the mailing date of a final action under 37 CFR 1.113, a Notice of Allowance under 37 CFR 1.311, or an action that otherwise closes prosecution in the application, and includes *one* of:
- ☐ the Statement under 37 CFR 1.97(e) (see "Statement under 37 CFR 1.97(e)" below).
- or*
- ☐ the fee of \$180 set forth in 37 CFR 1.17(p) (see "Fees" below).
- ☐ **after** the mailing date of a final action under 37 CFR 1.113 or a Notice of Allowance under 37 CFR 1.311, or an action that otherwise closes prosecution in the application, and on or before payment of the issue fee, and includes the Statement under 37 CFR 1.97(e) (see "Statement under 37 CFR 1.97(e)" below), and the fee of \$180 as set forth in 37 CFR 1.17(p) (see "Fees" below).
- ☐ **after** the mailing date of a Notice of Allowance under 37 CFR 1.311, and on or before payment of the issue fee, and **within** thirty days of receiving each item of information contained in the Information Disclosure Statement, and includes the Statement under 37 CFR 1.704(d) (see "Statement under 37 CFR 1.704(d)" below), and the fee of \$180 as set forth in 37 CFR 1.17(p) (see "Fees" below).

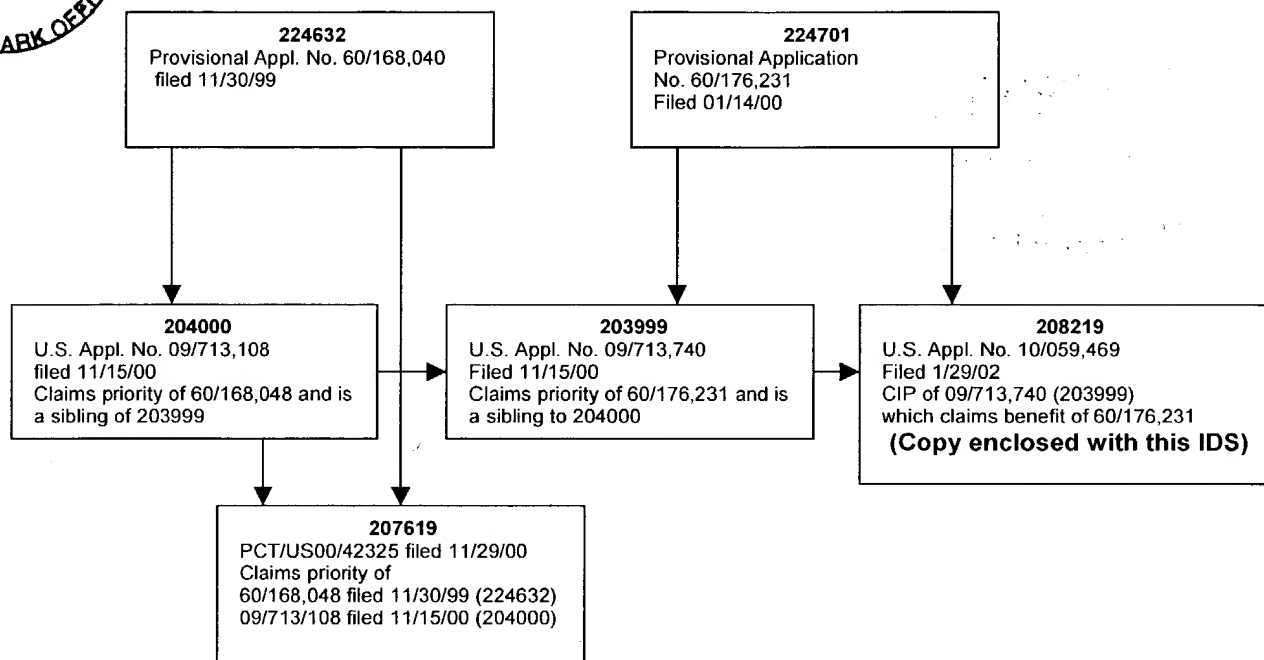
NOTE: This is for original applications except applications for a design patent, filed on or after May 29, 2000, wherein a paper containing only an Information Disclosure Statement in compliance with 37 CFR 1.97 and 1.98 is being filed.

Copies of the References

- ☒ Copies of the references listed on the enclosed Form 1449 are enclosed herewith. Attached to each reference not in the English language is a concise explanation of the relevance pursuant to 37 CFR 1.98(a)(3). An English-language equivalent/patent, or an English-language abstract, or an English-language version of the search report or action by a foreign patent office in a counterpart foreign application indicating the degree of relevance found by the foreign office is being submitted in lieu of a concise explanation of the relevance pursuant to 37 CFR 1.98(a)(3).
- ☒ A copy of the foreign search report is enclosed herewith.



"Identification of Related Applications"



Fees

- ☒ No fee is owed by the applicant(s).
☐ The **IDS Fee of \$180** under 37 CFR 1.17(p) is enclosed herewith.

RECEIVED

DEC 08 2003

Technology Center 2100

Method of Payment of Fees

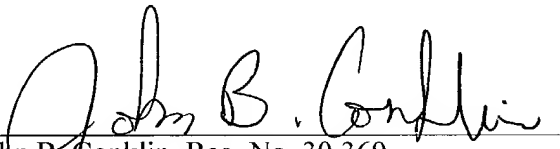
- ☐ Attached is a check in the amount of \$
☐ Charge Deposit Account No. 12-1216 in the amount of \$ 180.00. (A duplicate copy of this communication is enclosed for that purpose.)

Authorization to Charge Additional Fees

- ☒ If any additional fees are owed in connection with this communication, please charge Deposit Account No. 12-1216. (A duplicate copy of this communication is enclosed for that purpose.)

Instructions as to Overpayment

- ☒ Credit Account No. 12-1216.
☐ Refund


John B. Conklin, Reg. No. 30,369
LEYDIG, VOIT & MAYER, LTD.
Two Prudential Plaza, Suite 4900
180 North Stetson
Chicago, Illinois 60601-6780
(312) 616-5600 (telephone)
(312) 616-5700 (facsimile)

Date: December 3, 2003

7

DEC 03 2003

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet

1

of

1

Application Number	09/713,108
Filing Date	November 15, 2000
First Named Inventor	Raghavan
Group Art Unit	2185
Examiner Name	Thomas M. Heckler
Attorney Docket Number	204000

U.S. PATENT DOCUMENTS

[illegible]

FOREIGN PATENT DOCUMENTS

[illegible]

OTHER - NON PATENT LITERATURE DOCUMENTS

OTHER - NON PATENT LITERATURE DOCUMENTS				
Examiner Initials	Doc. No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number (s), publisher, city and/or country where published.	Translation	
			Yes	No**
	A H	STEVENS et al., "El Torito": Bootable CD-ROM Format Specification Version 1.0, Phoenix Technologies and IBM, pp. 1-20 (1994)		
	A I	LAWSON, M., et al., "Reconfiguration Techniques of a Mobile Network", in <i>Proceedings of the 1980 International Zurich Seminar on Digital Communications</i> , IEEE Catalog No. 80CH1521-4, pp. B10.1-B 10.4 (March 1980)		
	A J	BURNS, A., et al., "Dynamic Change Management and Ada", <i>Journal of Software Maintenance: Research and Practice</i> , Vol. 1, No. 2, pp. 121-131 (December 1989)		
	A K	BANKER, R., et al., "A Field Study of Scale Economies in Software Maintenance", <i>Management Science</i> , Vol. 43, No. 12, pp. 1709-1725 (December 1997)		

Examiner Signature _____

Date Considered

* A concise statement of relevance is being submitted in lieu of a translation. 37 CFR 1.98(a)(3).

+ An English-language equivalent/patent, or an English-language abstract, or an English-language version of the search report or action by a foreign patent office in a counterpart foreign application indicating the degree of relevance found by the foreign office is being submitted in lieu of a concise explanation of relevance under 37 CFR 1.98(a)(3).

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference 207619	FOR FURTHER ACTION see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.	
International application No. PCT/US 00/ 42325	International filing date (day/month/year) 29/11/2000	(Earliest) Priority Date (day/month/year) 30/11/1999
Applicant MICROSOFT CORPORATION		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 5 sheets.

☐ It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the report

- a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

- b. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international search was carried out on the basis of the sequence listing :

☐ contained in the international application in written form.

☐ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority in written form.

☐ furnished subsequently to this Authority in computer readable form.

☐ the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

☐ the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

2. ☐ **Certain claims were found unsearchable** (See Box I).

3. ☒ **Unity of invention is lacking** (see Box II).

4. With regard to the **title**,

☒ the text is approved as submitted by the applicant.

☐ the text has been established by this Authority to read as follows:

LEYDIG, VOT & MAYER
RECEIVED

DEC 27 2001

PAT/TM Due Date Closed

5. With regard to the **abstract**,

☒ the text is approved as submitted by the applicant.

☐ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. The figure of the **drawings** to be published with the abstract is Figure No.

☐ as suggested by the applicant.

☒ because the applicant failed to suggest a figure.

☐ because this figure better characterizes the invention.

4
☐ None of the figures.

INTERNATIONAL SEARCH REPORT

International application No.
PCT/US 00/42325

Box I Observations where certain claims were found unsearchable (Continuation of item 1 of first sheet)

This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☐ Claims Nos.:
because they relate to subject matter not required to be searched by this Authority, namely:

2. ☐ Claims Nos.:
because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful International Search can be carried out, specifically:

3. ☐ Claims Nos.:
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

Box II Observations where unity of invention is lacking (Continuation of item 2 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

see additional sheet

1. ☐ As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.

2. ☐ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.

3. ☐ As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:

4. ☒ No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

1-58

Remark on Protest

- ☐ The additional search fees were accompanied by the applicant's protest.
- ☐ No protest accompanied the payment of additional search fees.

FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210

This International Searching Authority found multiple (groups of) inventions in this international application, as follows:

1. Claims: 1-58

Method for a computer system to boot itself to known state in the event of a failure.

2. Claims: 59-62

Method to modify the system image with automatic restoration of the old configuration in case of problems.

A. CLASSIFICATION OF SUBJECT MATTER
IPC 7 G06F11/14

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHEDMinimum documentation searched (classification system followed by classification symbols)
IPC 7 G06F

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, WPI Data, PAJ

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category °	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	EP 0 917 060 A (IOMEGA CORP) 19 May 1999 (1999-05-19)	45,46,50
Y	abstract	1-3, 8-13, 17-21, 23,26, 27, 29-34, 39-42, 51,53-57
A	column 3, line 29 -column 4, line 8 column 4, line 22 - line 47 column 8, line 42 - line 47 column 10, line 48 -column 11, line 34 column 12, line 48 -column 14, line 8 column 15, line 5 - line 30 column 15, line 44 -column 16, line 26 --- -/--	14,28, 43,52

☒ Further documents are listed in the continuation of box C.☒ Patent family members are listed in annex.

° Special categories of cited documents :

- "A" document defining the general state of the art which is not considered to be of particular relevance
- "E" earlier document but published on or after the international filing date
- "L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- "O" document referring to an oral disclosure, use, exhibition or other means
- "P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

"&" document member of the same patent family

Date of the actual completion of the international search

7 August 2001

Date of mailing of the international search report

19.12.2001

Name and mailing address of the ISA

European Patent Office, P.B. 5818 Patentlaan 2
NL - 2280 HV Rijswijk
Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,
Fax: (+31-70) 340-3016

Authorized officer

Leuridan, K

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
Y	WO 95 22794 A (APPLE COMPUTER ;YEN JOHN (US)) 24 August 1995 (1995-08-24)	1-3, 8-13, 17-21, 23,26, 27, 29-34, 39-42, 51,53-57 15,16,44
A	abstract page 6, line 11 -page 11, line 18 page 12, line 7 -page 13, line 22 figures 1,2,8	
X	--- US 5 708 776 A (KIKINIS DAN) 13 January 1998 (1998-01-13)	1,3,17, 29,30, 33,45
A	the whole document	2,9,10, 12,13, 31,32, 34,40, 42,51,53
A	--- US 5 432 927 A (GROTE JACK A ET AL) 11 July 1995 (1995-07-11) the whole document	1-58
A	--- US 5 802 363 A (DART II CHARLES R ET AL) 1 September 1998 (1998-09-01) abstract column 5, line 52 -column 6, line 53 -----	4-7,22, 24,25, 35-38, 47-49,58

INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/US 00/42325

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
EP 0917060 A	19-05-1999	US 6170055 B	02-01-2001
		AU 1368499 A	24-05-1999
		FR 2772947 A	25-06-1999
		GB 2332076 A	09-06-1999
		TW 421739 B	11-02-2001
		WO 9923561 A	14-05-1999
		US 6317845 B	13-11-2001
-----	-----	-----	-----
WO 9522794 A	24-08-1995	AU 1876895 A	04-09-1995
-----	-----	-----	-----
US 5708776 A	13-01-1998	NONE	
-----	-----	-----	-----
US 5432927 A	11-07-1995	NONE	
-----	-----	-----	-----
US 5802363 A	01-09-1998	NONE	
-----	-----	-----	-----